

**Mr. SCOTT of Virginia:** I thank the gentleman for yielding.

Mr. Speaker, bias-based crimes are an unfortunate reality in this country. This legislation is necessary because existing law, 18 U.S.C. section 245(b)(2) does not protect individuals from violent acts based on race, color, national origin or religion, unless the defendant intended to interfere with the victims' participation in certain enumerated Federal activities.

Additionally, Federal law does not presently provide for hate crime protection at all for a tax based on sexual orientation, gender, gender identity or disability.

Mr. Speaker, this bill also addresses many of the express concerns about the first amendment rights to free speech and association. H.R. 1592 addresses these concerns by providing an evidentiary exclusion, which prohibits the government from introducing evidence of expression or association as substantive evidence at trial, unless it is directly relevant to the elements of the crime.

This provision will ensure that defendants will only be prosecuted and convicted based on their criminal acts, not on what they say or what they believe, or because of the people with whom they are associated. There are some of us who criticize the bill as an improper exercise of Federal jurisdiction. But based on testimony and the issues of the witnesses at our hearings, this legislation has been carefully drafted to address the Supreme Court's decisions in *Lopez* and *Morrison*, which limited Congress' jurisdiction to pass

legislation.

Furthermore, H.R. 1592, in response to the gentleman's complaint, Federal prosecutors must confer with State authorities to decide whether Federal jurisdiction is appropriate, and no prosecution can proceed without the express approval of the United States attorney general or his designee. Additionally at trial they must prove a valid Federal interest as a specific element of the crime.

In addition to creating new hate crime offenses and expanding the application of existing ones, this bill also establishes an important grant program to provide financial assistance to States, local, and tribal law enforcement agencies to provide much-needed assistance in investigating high-profile crimes.

Mr. Speaker, this bill has broad support. For these reasons, I urge my colleagues to support the bill.